

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION**

#### **JOINT APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT**

**Call to Order:** Chair Bill Beck, on February 3, 2011 at 9:00 A.M., in Room 350 Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Bill Beck, Chair (R)  
Sen. Alan Olson, Vice Chair (R)  
Rep. Champ Edmunds (R)  
Rep. Bill McChesney (D)  
Sen. David E. Wanzonried (D)

**Members Excused:**

Sen. Edward Buttrey (R)

**Members Absent:** None

**Staff Present:**

Quinn Holzer, Legislative Fiscal Division (LFD)  
Mark Bruno, Governor's Office (GOV)  
Cheryl Pesta, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Department of Labor and Industry Executive Action

00:01:07 Quinn Holzer, Legislative Fiscal Division (LFD)

[EXHIBIT\(jgh27a01\)](#)

[EXHIBIT\(jgh27a02\)](#)

**EXECUTIVE ACTION FOR THE DEPARTMENT OF LABOR AND INDUSTRY**

**DP 101**

00:03:05 **Motion/Vote:** Sen. Wanzenried moved that **DP 101 BE ADOPTED**. Motion carried unanimously by voice vote. Sen. Buttrey voted by proxy.

**DP102**

00:03:39 **Motion:** Sen. Olson moved that **DP 102 BE REDUCED BY 50%, SPLIT EVENLY AND BE ADOPTED**.

**Discussion:**

00:04:07 Sen. Wanzenried

00:04:24 Sen. Olson

00:04:34 Mark Bruno, Governor's Office (GOV)

00:04:53 Sen Olson

00:05:14 Tammy LaVigne, Department of Labor and Industry (DLI)

00:06:01 Sen. Olson

00:06:12 Ms. LaVigne

00:06:37 Sen. Wanzenried

00:06:45 Todd Younkin, DLI

00:08:05 Sen. Olson

00:08:18 Mr. Younkin

00:08:31 Rep. Edmunds

00:08:41 Mr. Younkin

00:09:33 Sen. Olson

00:09:39 Mr. Younkin

00:10:05 Rep. McChesney

00:10:19 Mr. Bruno

00:10:47 Rep. McChesney

00:10:54 Mr. Bruno

00:11:21 Sen. Olson withdrew the motion.

00:11:43 **Substitute Motion/Vote:** Sen. Olson made a substitute motion that **DP 102 BE ADOPTED**. Substitute Motion carried unanimously by voice vote. Sen. Buttrey voted by proxy.

**DP 105**

00:12:06 **Motion/Vote:** Sen. Wanzenried moved that **HB 1 BE ADOPTED**. Motion carried 5-1 by voice vote with Rep. Edmunds voting no. Sen. Buttrey voted by proxy.

**DP 106, 405, & 506**

00:12:47 **Motion/Vote:** Rep. Edmunds moved that **DP 106, 405, & 506 BE ADOPTED**. Motion carried unanimously by voice vote. Sen. Buttrey voted by proxy.

00:13:38 Rep. McChesney

**DP 107**

00:14:01 **Motion/Vote:** Sen. Wanzenried moved that **DP 107 BE ADOPTED**. Motion carried unanimously by voice vote. Sen. Buttrey voted by proxy.

**DP 55400**

00:14:54 **Motion:** Sen. Olson moved **TO REINSTATE THE FUNDS IN DP 55400 AS REQUESTED, LESS THE FTE AND BE ADOPTED**.

**Discussion:**

00:15:31 Mr. Holzer

00:15:35 Sen Olson withdrew motion.

00:15:55 Rep. Beck

00:16:03 Mr. Holzer

00:17:08 **Substitute Motion:** Sen. Olson made a substitute motion **TO APPROVE DP 55400, BUT TO INCREASE THE FTE FROM .88 TO 1.0 WITH THE CORRESPONDING INCREASE IN THE REDUCTION AND TO REINSTATE DP 95102 AS A SUBSTITUTE FOR THE 5% PLAN AND BE ADOPTED**.

00:17:46 **Vote:** Motion carried unanimously by voice vote. Sen. Buttrey voted by proxy.

**DP95101**

00:18:15 **Motion:** Sen. Wanzenried moved that **THE COMMITTEE REVERSE ITS ACTION ON DP 95101 AND REINSTATE THE FUNDING**.

**Discussion::**

00:19:09 Sen. Wanzenried

00:19:52 Sen. Olson

00:20:00 Keith Kelly, Commissioner, DLI

00:21:47 Quinn Holzer, LFD

00:22:41 Sen. Olson

00:22:50 Mr. Holzer

00:23:05 Sen. Olson

00:23:21 Mr. Kelly

00:23:56 Sen. Olson

00:24:14 Mr. Kelly

00:24:46 Mr. Bruno

00:25:09 Rep. Beck

00:25:34 Sen. Wanzenried

00:26:06 Rep. Beck

00:26:27 Sen. Wanzenried

00:26:56 Rep. McChesney

00:27:12 Mr. Bruno

00:27:21 Rep. McChesney

00:27:29 Mr. Bruno

00:27:43 Mr. Kelly

00:27:49 Rep. McChesney

00:28:01 Mr. Kelly

00:28:06 Rep. McChesney

00:28:17 Mr. Kelly

00:28:37 Sen. Olson  
00:29:47 Rep. Beck  
00:29:57 Sen. Buttrey entered the room.  
00:30:07 Sen. Wanzenried  
00:30:33 Rep. Edmunds  
00:30:42 Sen. Buttrey left the room.  
00:30:58 Sen. Wanzenried  
00:31:39 Rep. Edmunds  
00:32:01 Mr. Holzer  
00:32:38 Rep. Edmunds  
00:32:54 Rep. Beck  
00:32:58 Sen. Buttrey returned.

00:33:32 **Vote:** Motion carried unanimously by roll call vote.

**DP 201**

00:34:46 **Motion/Vote:** Sen. Olson moved that **DP 201 BE ADOPTED**. Motion carried unanimously by voice vote.

**DP 203**

00:35:24 **Motion:** Sen. Olson moved that **DP 203 BE ADOPTED LESS THE THREE (3) FTE'S**.

00:35:45 **Substitute Motion:** Rep. McChesney made a substitute motion that **DP 203 BE ADOPTED AS ONE (1) TIME ONLY WITH THE THREE (3) FTE'S**.

**Discussion:**

00:36:17 Sen. Olson  
00:36:26 Rep. McChesney  
00:37:32 Sen. Olson  
00:37:50 Roy Mulvaney, DLI  
00:38:01 Rep. Beck  
00:38:18 Mr. Holzer  
00:38:26 Ms. LaVigne  
00:38:59 Rep. Beck  
00:39:02 Ms. LaVigne  
00:39:04 Rep. Beck  
00:39:09 Ms. LaVigne  
00:39:14 Sen. Wanzenried  
00:39:35 Mr. Mulvaney  
00:40:17 Sen. Wanzenried  
00:40:30 Mr. Mulvaney  
00:41:02 Sen. Wanzenried  
00:41:18 Ms. LaVigne  
00:41:44 Mr. Bruno  
00:42:04 Rep. McChesney

00:42:37 **Vote on the Substitute Motion:** Motion failed 2-4 by roll call vote with Rep. McChesney and Sen. Wanzenried voting aye.

00:43:56 **Substitute Motion/Vote:** Sen. Olson made a substitute motion that **DP 203 BE ADOPTED AS ONE (1) TIME ONLY, WITHOUT THE FTE'S**. Substitute Motion carried unanimously by roll call vote.

**DP 301**

00:44:55 **Motion/Vote:** Sen. Buttrey moved that **DP 301 BE ADOPTED**. Motion carried unanimously by voice vote.

**Proprietary Rates**

00:45:11 **Motion/Vote:** Sen. Olson moved that **PROPRIETARY RATES LISTED IN SECTION A 288-290 BE ADOPTED**. Motion carried unanimously by voice vote.

**DP 401, 402, & 404**

00:46:00 **Motion/Vote:** Sen. Buttrey moved that **DP 401, 402, AND 404 BE ADOPTED**. Motion carried unanimously by voice vote.

**DP 501**

00:46:25 **Motion/Vote:** Sen. Olson moved that **DP 501 BE ADOPTED**. Motion carried unanimously by voice vote.

**DP 503, 504, & 505**

00:46:56 **Motion/Vote:** Sen. Olson moved that **DP 503, 504 & 505 BE ADOPTED**. Motion carried unanimously by voice vote.

**DP 95104**

00:47:18 **Motion:** Sen. Buttrey moved that **DP 95104 BE REVISED AND HAVE THE FUNDING BE REINSTATED AND BE ADOPTED**.

**Discussion:**

00:47:51 Sen. Buttrey

00:48:10 **Vote:** Motion carried unanimously by voice vote.

**DP 902**

00:48:26 **Motion/Vote:** Sen. Olson moved that **DP 902 BE ADOPTED**. Motion carried unanimously by voice vote.

**DP 307**

00:48:43 **Motion:** Sen. Olson moved that **DP 307 BE ADOPTED**.

**Discussion:**

00:49:22 Mr. Holzer

00:49:39 Mr. Kelley

00:49:57 Sen. Olson withdrew motion.

00:50:08 Recess

01:08:01 Rep. Beck

**DP 101**

01:08:18     **Motion:** Sen. Olson moved that **THE COMMITTEE RECONSIDER DP 101**

**Discussion:**

01:08:52     Rep. McChesney

01:09:07     Sen Olson

01:09:20     **Vote:** Motion carried 5-1 by voice vote with Sen. Wanzenried voting no.

01:09:44     **Motion:** Sen. Olson moved that **DP 101 BE AMENDED WITHOUT THE GENERAL FUND DOLLARS.**

**Discussion:**

01:10:16     Sen. Wanzenried

01:10:38     Ms. LaVigne

01:11:04     Sen. Olson

01:11:12     Ms. LaVigne

01:12:05     Mr. Holzer

01:12:34     Sen. Wanzenried

01:13:03     Ms. LaVigne

01:13:50     Sen. Wanzenried

01:13:57     Mr. Holzer

01:14:34     Rep. McChesney

01:15:15     Sen. Olson withdrew motion and requested the department to reconsider their funding request from the general fund.

01:16:21     Rep. Beck

01:16:32     Sen. Buttrey

01:17:17     Rep. McChesney

01:17:51     Sen. Buttrey

01:18:26     Rep. Edmunds

01:19:13     Sen. Olson

01:19:35     Mr. Holzer

01:19:45     **Motion:** Sen. Olson moved **TO AMEND DP 101 TO TAKE THE SAME AMOUNTS FROM THE GENERAL FUND WITHIN WORKFORCE SERVICES AND PUT THEM SOMEWHERE ELSE..**

**Discussion:**

01:20:05     Sen. Wanzenried

01:20:11     Mr. Holzer

01:20:51     Sen. Wanzenried

01:21:10     Sen. Olson

01:21:40     **Vote:** Motion carried 4-2 by roll call vote with Rep. McChesney and Sen. Wanzenried voting no.

**DP 199, 399, & 499**

01:22:33 **Motion:** Sen. Buttrey moved that **DP 199, 399, & 499 PROVIDING FOR A FUNDING SWITCH FROM GENERAL FUND TO THE EMPLOYMENT SECURITY ACCOUNT (02258) WITHIN THE WORKFORCE SERVICES DIVISION FOR THE 21<sup>ST</sup> CENTURY WORKFORCE AND RESEARCH & ANALYSIS PROGRAMS; THE COMMISSIONER'S OFFICE/CSD FOR THE LEGAL UNIT AND THE HEARINGS UNIT; AND FOR THE EMPLOYMENT RELATIONS DIVISION FOR THE HUMAN RIGHTS BUREAU AND THE MANAGEMENT SERVICES BUREAU. HE WOULD ALSO INCLUDE A FUNDING SWITCH FROM GENERAL FUND TO THE WORKERS' COMP REGULATION ACCOUNT (02455) WITHIN THE EMPLOYMENT RELATIONS DIVISION FOR THE WORK COMP REGULATIONS BUREAU AND THE WORK COMP CLAIMS ASSISTANCE BUREAU. THE TOTAL AMOUNT OF THE SWITCH SHOULD BE ADJUSTED TO REFLECT ACTION TAKEN TODAY AND BE ADOPTED.**

**Discussion:**

01:23:48 Sen. Wanzenried  
01:24:06 Sen. Buttrey  
01:24:32 Sen. Wanzenried  
01:24:48 Sen. Buttrey  
01:25:13 Sen. Wanzenried  
01:25:54 Sen. Buttrey  
01:26:29 Mr. Bruno  
01:26:51 Sen. Buttrey

01:27:09 **Vote:** Motion carried 5-1 by roll call vote with Sen. Wanzenried voting no.

**DP 95101**

01:28:13 **Motion:** Rep. Edmunds moved that **THE COMMITTEE REQUIRE THE DEPARTMENT TO MAKE A 5% REDUCTION PLAN UNSPECIFIED TO THE GENERAL FUND IN DP 95101.**

**Discussion:**

01:28:32 Mr. Holzer  
01:29:31 Rep. Edmunds withdraws motion

**Statutory Changes**

01:29:41 **Motion:** Sen. Buttrey moved that **STATUTORY CHANGES BE INCLUDED IN LEGISLATION TO IMPLEMENT THE APPROPRIATIONS ACT THAT AMEND 39-51-406(2)(E) TO CLARIFY THAT THE APPRENTICESHIP AND TRAINING PROGRAM INCLUDES OTHER CAREER AND WORKFORCE TRAINING EFFORTS UNDERTAKEN BY THE STATE OF MONTANA, BEYOND THAT OF JUST THE APPRENTICESHIP PROGRAM; AND ALSO TO INCLUDE COSTS ASSOCIATED WITH THE HUMAN RIGHTS BUREAU.**

**Discussion:**

01:30:09 Sen. Wanzenried  
01:30:37 Mr. Kelly

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01:32:03 Mr. Holzer  
01:33:52 Mr. Bruno  
01:34:16 Sen. Olson  
01:34:36 Rep. McChesney

01:35:07 **Vote:** Motion carried 5-1 by roll call vote with Sen. Wanzelried voting no.

01:36:17 Mr. Holzer  
01:36:25 Sen. Olson



**ADJOURNMENT**

Adjournment: 01:36:45

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Cheryl Pesta, Secretary

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Additional Documents:

**EXHIBIT**([jgh27aad.pdf](#))